

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 16453 of 1994

Between:

K.Mallikarjuna Rao, S/o. K.Venkateswara Rao.
Dist.Rural Development Agency, Eluru,
West Godavari.

..... PETITIONER

AND

1 The Dist. Collector and Chairman, Dist. Rural Development Agency, Eluru, West Godavari.

2 The Project Director, Dist. Rural Development Agency,
Eluru, West Godavari.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly a writ of mandamus declaring the action of the 2nd respondent in not absorbing the petitioner as regular Sweeper-cum-Gardener though his juniors were already regularised as illegal, improper, unjust, arbitrary and violative of articles 14 and 16 of the Constitution of India and further declare that the petitioner is entitled for regularisation on par with his juniors and pass

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.2 Mr A.V.Krishna Koundanya

The Court made the following:

ORDER:

This Writ Petition is filed seeking absorption of the petitioner on the ground that the junior to the petitioner was absorbed and therefore a direction was sought. Further the seniority has now been changed. The services of the petitioner were terminated on 8-12-2001 for alleged non-production of Educational Certificate. However, the petitioner filed an appeal on 8-2-2004, which is not yet disposed of.

Be that as it may, the present relief, which is sought in the Writ Petition, does not survive, in view of the fact that he was terminated on 8-12-2001.

Therefore, this Writ Petition has become infructuous. Accordingly, the same is dismissed as infructuous. However, it is open for the petitioner in the event of his success in the appeal to renew his request for regularization of services. No costs.

15-07-2004

To

1. The Dist. Collector and Chairman, Dist. Rural Development Agency, Eluru, West Godavari.

2 The Project Director, Dist. Rural Development Agency,
Eluru, West Godavari.

3. 2 CD copies to GP for Panchayat Raj and Rural Dev. High Court Buildings,
Hyderabad (OUT)

4. CCs

kvrn/ka